

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE

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U.S. DISTRICT COURT  
MID. DIST. TENN.

CRAIG CUNNINGHAM, Pro-se

*Plaintiff*

v.

Newport Marketing, LLC

*Defendants.*

CIVIL ACTION NO.: 3:14-2400

**Plaintiff's Original complaint**

1. The Plaintiff in this case is Craig Cunningham, a natural person and was resident of Davidson County at all times relevant to the complaint, and currently has a mailing address of 5543 Edmondson Pike, ste 248, Nashville, TN 37211
2. Upon information and belief, Newport Marketing, LLC is a Florida Corporation and can be served via registered agent: Franklin L Zemel, 200 East Las Olas Blvd, Ste 1700, C/O Arnstein and Lehr LLP, Fort Lauderdale, FL 33301

**Jurisdiction**

3. Jurisdiction of this court arises as the acts happened in this county.
4. Venue in this District is proper in that the defendants transact business here, and the acts and transactions occurred here.

**FACTUAL ALLEGATIONS**

5. In 2014, the Plaintiff received multiple automated calls with a pre-recorded

message to the Plaintiff's cell phone pitching a discounted vacation. The agent said they were calling on behalf of Newport Escapes and directed the Plaintiff to the website Newportescapes.com. The website is owned by Newport Marketing, LLC.

6. The Plaintiff has not given anyone authorization to be called with a pre-recorded message or automated calls to his cell phone. The recorded message didn't state the calling party's name, address, or phone number.
7. The call was not related to any emergency purpose.
8. The Plaintiff declined the offer only to be called back multiple times by agents trying to coerce the Plaintiff into signing up for a timeshare presentation.

### **CAUSES OF ACTION:**

#### **COUNT I**

##### **Violations of the Telephone Consumer Protection Act (TCPA)**

9. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
10. The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing unsolicited and unwelcome telephone calls to the Plaintiff's cell phone. These phone calls also violated the TCPA by having an pre-recorded message that failed to contain the name, address, and phone number for the entity for which the calls are being place as required under the TCPA. Additionally, these calls violated the Plaintiff's request for no further calls.

## **COUNT II**

### **Violations of the Telephone Consumer Protection Act (TCPA)**

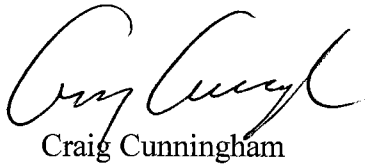
11. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
12. The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing automated calls with pre-recorded messages to the Plaintiff's Cell phone.

### **PRAYER FOR DAMAGES AND RELIEFS**

- A. WHEREFORE, Plaintiff, Cunningham, respectfully prays and requests that judgment be entered against Defendants
- B. Statutory damages of \$3000 for each phone call.
- C. Pre-judgment interest from the date of the phone calls.
- D. Punitive damages for all claims in the amount of \$30,00
- E. Attorney's fees for bringing this action as incurred; and
- F. Costs of bringing this action; and
- G. For such other and further relief as the Court may deem just and proper

I, Craig Cunningham, Affiant, hereby attest to and certify that the facts contained in the foregoing complaint are true and correct to the best of my knowledge, information and belief and that a true and correct copy of the foregoing was sent to the defendants in this case.

Respectfully submitted,



Craig Cunningham

Plaintiff, Pro-se

Mailing address:

5543 Edmondson Pike, ste 248

Nashville, tn 37211

~~828-291-7465~~ 615-348-1977

December 19<sup>th</sup>, 2014